

Case Time Standards for Arizona Courts: A Collaborative Approach

Court Leadership
Conference

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In 2012, as we celebrate 100 years of statehood, Arizona's courts continue to move forward.





Goal 1: Strengthening the Administration of Justice

Every person has the right to a prompt, fair, and impartial hearing. The pursuit of justice thus requires that cases be heard in a timely manner and processed efficiently.... courts require effective case processing and efficient management of information and resources

Arizona Time Standards Steering Committee¹ Charge

- Review national model time standards.
- Develop and recommend state case processing standards for Arizona based on statutes, court rules, court jurisdiction and any other relevant factors.
- Make high level recommendations for implementation.

¹ Administrative Order 2012-80



Case Management in Arizona Courts: Significant Gains in Trying Times



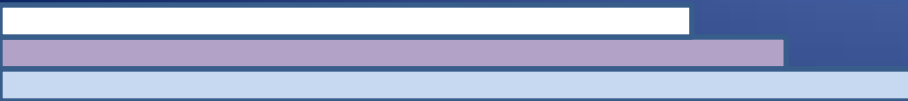
Fill the Gap Funding and Program



DUI Case Processing Program



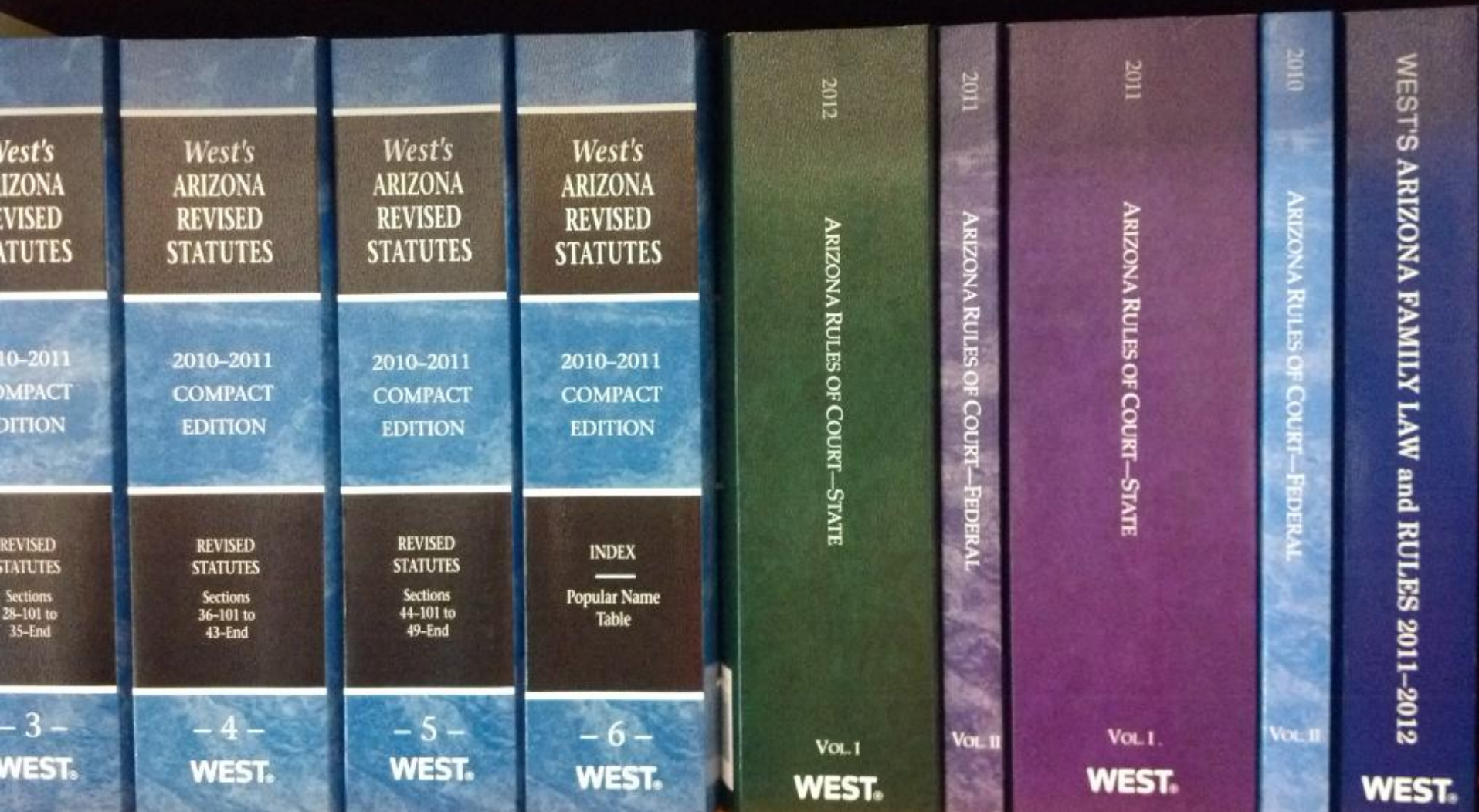
Complex Civil Litigation Program



Model Court Improvement Project



Arizona Rules of Court



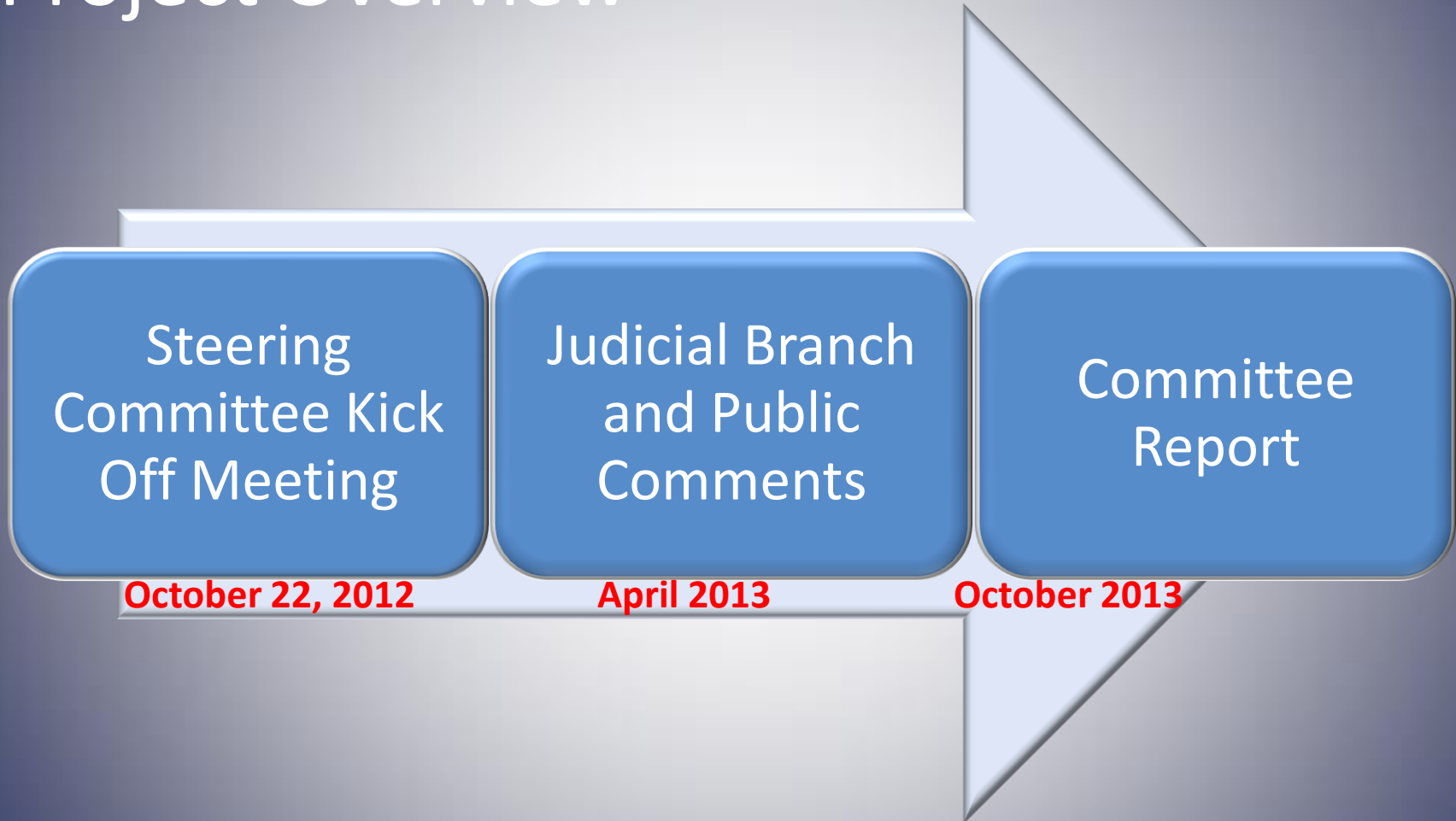
Rules of Court

- Arizona Rules of Family Law Procedure
- Rule 26.1 on Disclosure Statements
- 2008 Arizona Rules of Protective Order Procedure
- 2009 Arizona Rules of Probate Procedure.
- 2009 Rules of Procedure for Eviction Actions
- 2013 (pending adoption): Justice Court Civil Rules of Procedure
- 2003 Arizona Tax Court Rules of Practice



Gearing up for change

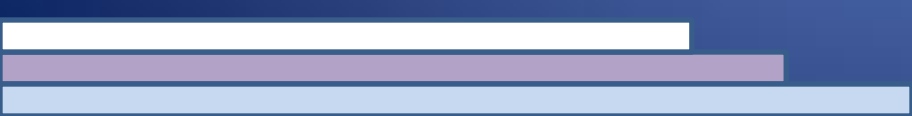
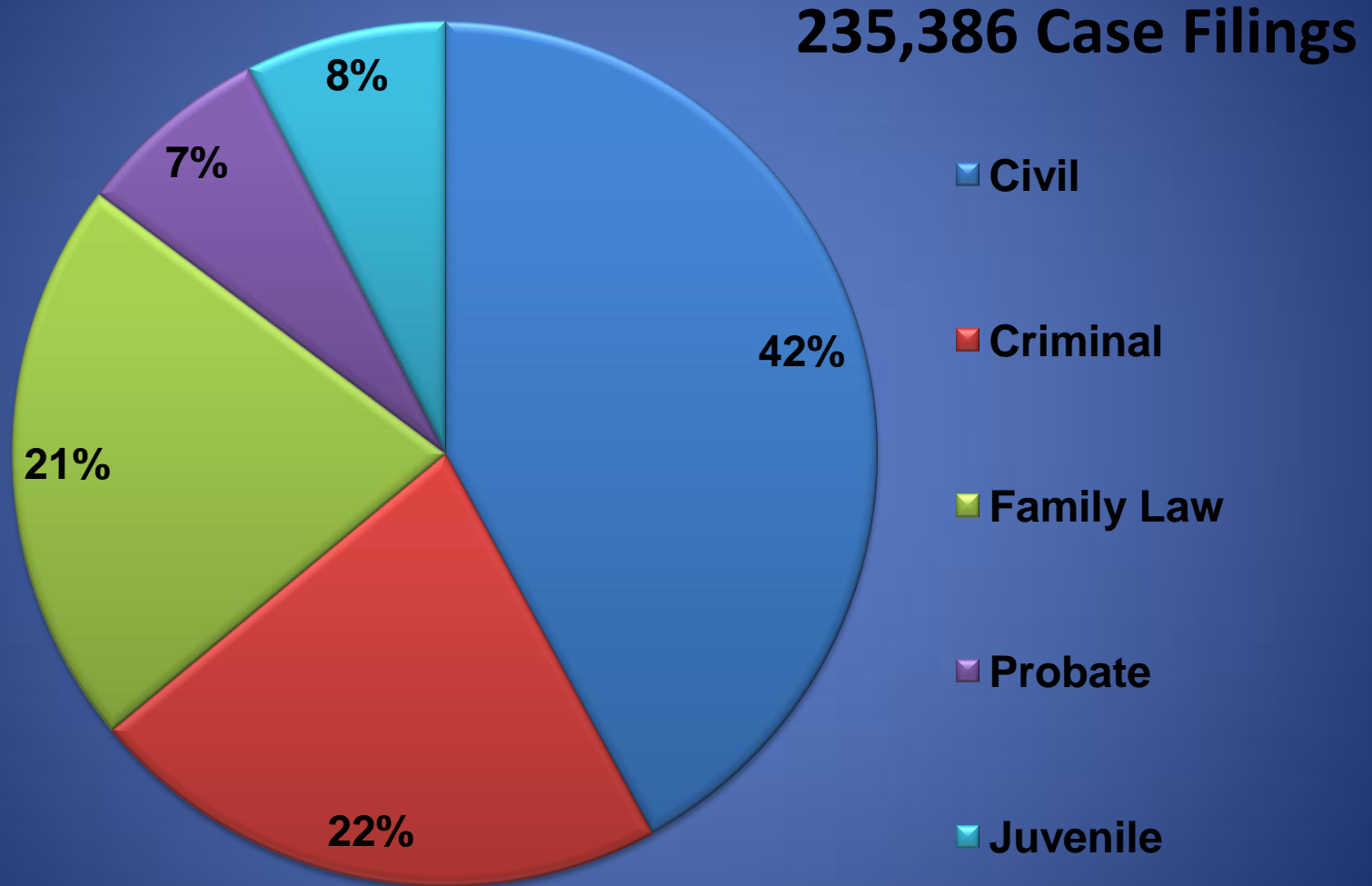
Arizona Case Processing Standards Project Overview



Restructuring the National Standards for Arizona Courts

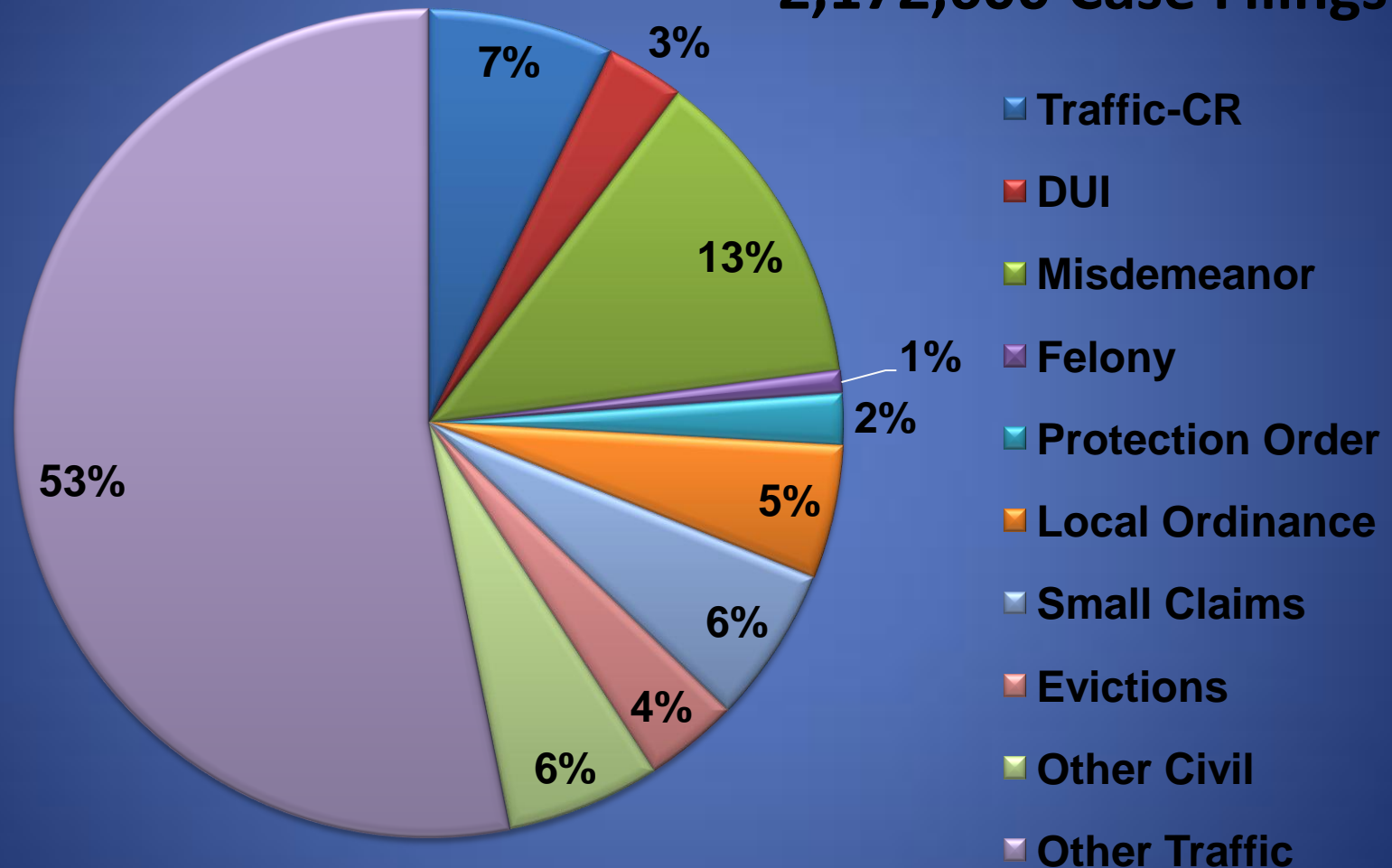
- National model includes time standards for 15 case types.
- Additional case types to consider for Arizona include:
 - Eviction actions separate from civil
 - Misdemeanor DUI
 - Differentiate Justice Court Civil and Superior Court Civil (different standards for each)

FY11 Superior Court Case Filings



FY11 Justice & Municipal Case Filing

2,172,600 Case Filings



Initial Review of Arizona Rules and Statutes: Civil Cases

- Statutes and Rules Comport with National Standard
 - Superior Court Civil
 - Justice Court Civil
 - Small Claims and Civil Local Ordinances
 - Civil Traffic and Criminal Local Ordinances (comport with “criminal traffic” national standards)
- Differences
 - Eviction Statutes suggest a faster standard

Initial Review of Arizona Rules and Statutes: Criminal Cases

- Statutes and Rules Comport with National Standard
 - Felony
 - Misdemeanor (excluding DUI and criminal traffic)
 - Post-Conviction Relief
- Differences
 - DUI cases- Arizona has already done significant work in this area and has applied different standards.

Initial Review of Arizona Rules and Statutes: Family Law Cases

- Statutes and Rules Comport with National Standard
 - Dissolution, legal separation, paternity (may need intermediate goal)
 - Post-judgment motions
- Differences
 - Orders of Protection – Statutes suggest different standards

Initial Review of Arizona Rules and Statutes: Probate Cases

- Statutes and Rules Comport with National Standard
 - Estates
 - Guardianship/Conservator
 - Mental Health

Initial Review of Arizona Rules and Statutes: Juvenile Cases

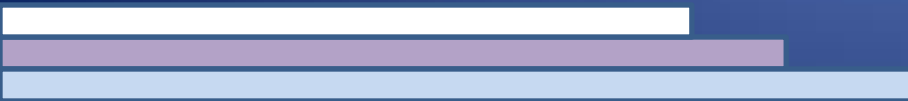
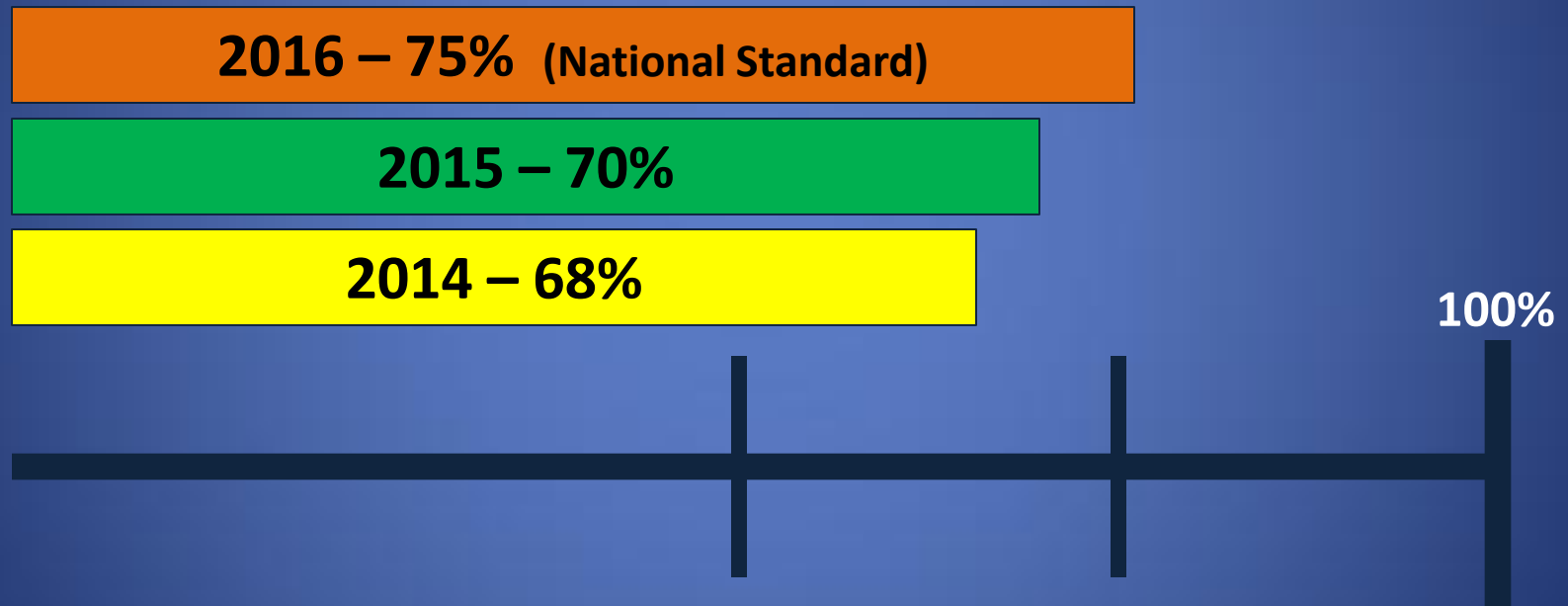
- Statutes and Rules Comport with National Standard
 - Termination of Parental Rights
- Differences
 - Delinquency and Status Offenses (Statutes suggest faster standard)
 - Abuse and Neglect (Statutes suggest faster standard)

Interim Case Processing Goals

For national goals beyond Arizona's reach, consider **provisional goals** with a gradual phase-in of the shorter time goals.

Example of Interim Civil Case Processing Goals

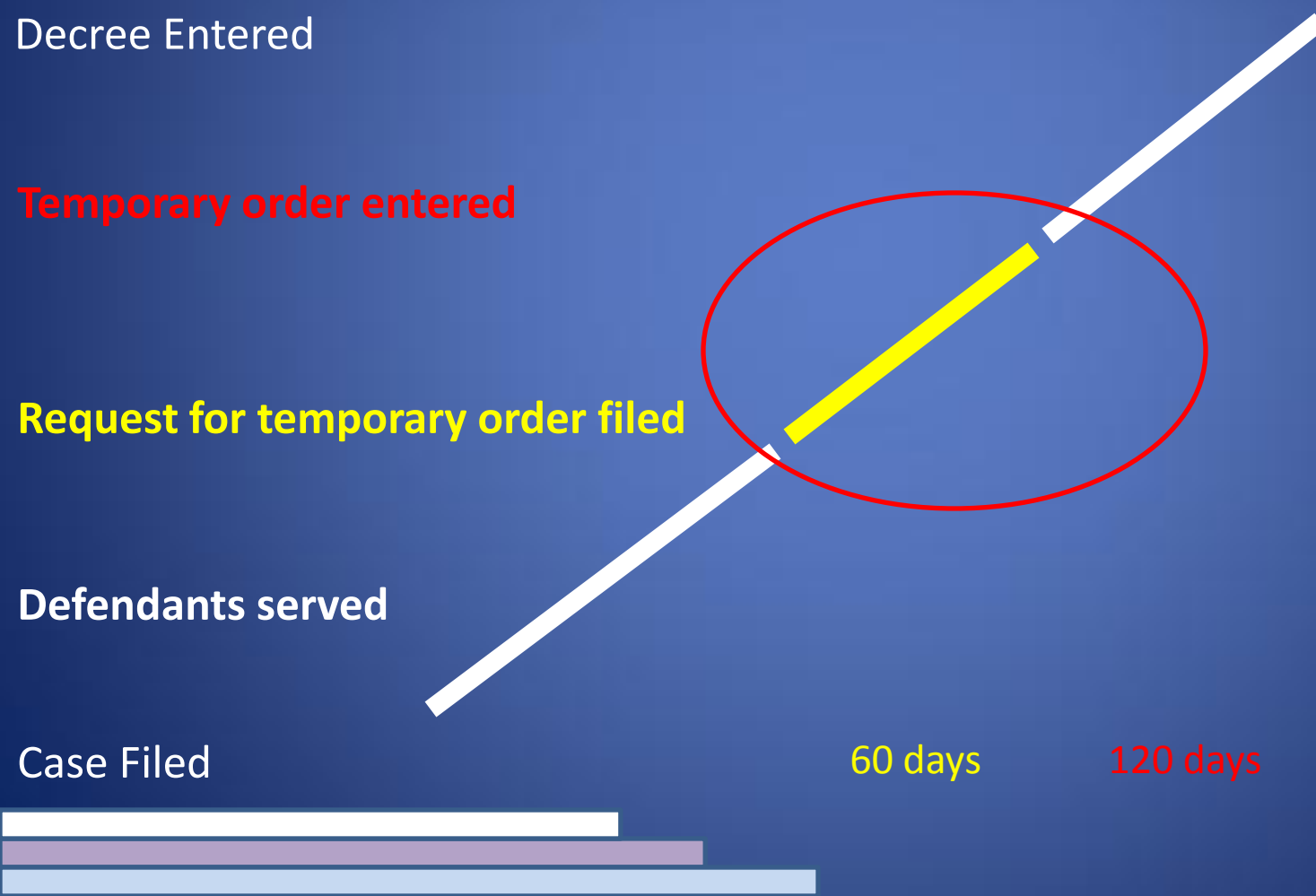
Goal of 180 days to Civil Case Disposition



Intermediate Time Standards

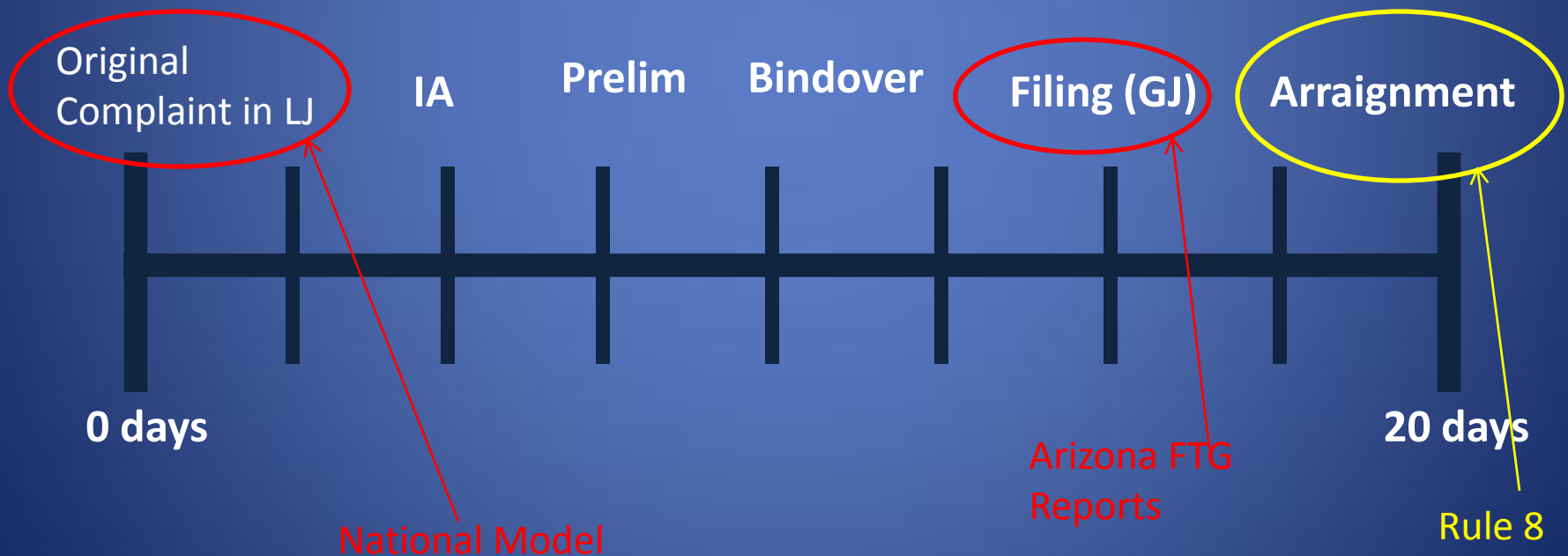
Time goals for completing critical milestones during the life of a case, prior to final case resolution.

Family Law Dissolution Cases: 98% of Temporary Orders to be issued within 60 days.



Other Policy Decisions: Felony Case Time Commencement

Where should the clock start?



Discussion Points

- Is the framework of 18 case types workable for Arizona courts?
- Which case types require exceptions to the national standards?
- Adoption of intermediate time standards?
- Adoption of interim time goals?
- Practical obstacles to meeting time standards?
- Implementation strategies
- Other issues

Is the framework of 18 case types workable for Arizona courts?

- Forcible Detainers in 10 days typically, 30 days reasonable.
- DUI breakout- Pilots spent a lot of time on numbers, would be the outliers in a misdemeanor criminal category. Separate standard makes sense.
- Goal to speed up dissonant with slower standard from other MSD.

Case Types

- Challenge with crime lab. Blood results take longer than breath. Unlikely for results to come back in less than 4 months. Causes 4 month gap after arraignment before plea negotiations start.
- Standards meant to be under the control of the court. Can take out time that is not under the control of the court. One approach used by other states.
- Standards put us in the position to go to funding authority regarding obstacles.

Case Types

- Once filed, in control of the court. Public issue if someone is killed while the case has been filed in the court.

Where did National Standards Come From

- Not a lot of objective information available.
- Experience of 27 states taken into consideration.
- Interviewed about effectiveness of standards that were being used.
- Meant to be guidelines for states to review.

Protective Orders

- Quickest processing
- Initial cut handle within 24 hours, might be too long
- Contrary to most states, Arizona starts with a longer term order (rather than starting with a temporary emergency order).

- Civil section
 - Medical malpractice take extraordinary amount of time.
- Mission of Committee
 - Will look at all standards (not just those where statute and rule do not comport to national)

Case Types

- Minor guardianship and minor conservatorship should be looked at independently as well (particularly minor guardianship).
- Look at rules that will be inconsistent with standard.
 - Family Court – Rule 46 requires 6 months before can be dismissed if parties don't want to move forward (possibly 20-25% of cases fall into this condition).

Case Types

- Adoption
 - Serious time delay from time child is available for adoption until the adoption. Time standards would help.
- Service time may need to be evaluated as something outside of court control.

Measurement

- Difficult to know where we are today, so hard to evaluate where we want to go
- Need method for looking at cases now
- More data on criminal than other case types in many courts
- Develop tools, work to have confidence in data
- Demonstrate to the public that cases are being resolved timely.

- During the year of work for the committee, would be useful for automation to be progressed in terms of data collection and reports to support measurement.
- Trial court performance measures had 68 measures initially.
- CourTools down to a more manageable 10 measures.

Continuing the Conversation

A forum has been created to collect input on the standard for each case type:

<http://www.azcourts.gov/caseprocessingstandards/Home.aspx>



The screenshot displays the Arizona Judicial Branch website. The header features the state seal and the text "Arizona Judicial Branch". A search bar is located in the top right corner. Below the header is a navigation menu with links: "AZ Courts", "AZ Supreme Court", "Court Admin/AOC", "Public Services", "Licensing & Regulation", and "Publications & Reports". The main content area has a breadcrumb trail: "Home / Court Services / Arizona Case Processing Standards". A large blue banner reads "Arizona Case Processing Standards". To the left, a sidebar contains a link to "Login Page" which is circled in red. The main text area begins with a paragraph: "Model time standards provide a reasonable set of expectations for courts, lawyers and for the public regarding case resolution. Surveys of public opinion concerning the courts consistently find the chief criticism to be the slowness of case resolution. The public expects". A small image of gears is visible in the bottom right corner of the content area.

Arizona Case Processing Standards

Model time standards provide a reasonable set of expectations for courts, lawyers and for the public regarding case resolution. Surveys of public opinion concerning the courts consistently find the chief criticism to be the slowness of case resolution. The public expects